Remarks

Claims 1 – 35 are pending in the application, and are subject to a restriction requirement.

Response to Restriction Requirement

Applicants provisionally elect, with traverse, Group I (claims 1 – 16, 19 and 22), drawn to a pharmaceutical compositions and methods of inhibiting angiogenesis with the compositions.

Restriction is not proper if the search and examination of an entire application can be made without serious burden. MPEP § 803.

In the present case, there is no serious burden in searching the claimed invention, regardless of whether the claim groups are independent or distinct. As Examiner has stated, all claims have the compositions of Group I in common. If the central feature of an invention is a composition containing certain compounds, USPTO practice is to direct a patentability search to the compound itself, even if the claim are directed to a method of using the compound or composition. Here, the most efficient way to search the present claims would be to concentrate on the compounds comprising the compositions of Group I. Such a search would undoubtedly reveal methods of using the compositions, should any exist. Indeed, a search of the Group II or III methods that is not focussed on the Group I compounds would itself be overbroad and burdensome. Nevertheless, Applicant notes that Examiner has classified both Groups II and III in class 435.

Because a search of the compounds comprising the compositions of Group I would encompass the methods of use in Groups II and III, Applicant believes there is no serious burden in searching and examining Groups I, II and III in the same application. Applicant therefore respectfully requests reconsideration and withdrawal of the restriction requirement.
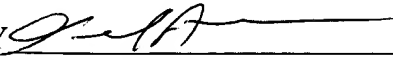
Respectfully submitted,

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